

AMENDMENTS TO THE DRAWINGS

The attached sheet 1/2 of the drawings includes the following changes:

- FIG. 1 has been replaced by FIGS. 1A and 1B.
- FIG. 2 has been corrected.

Attachment: Replacement sheet 1/2
Annotated sheet 1/2 showing changes

REMARKS

The Office Action dated September 19, 2005 has been reviewed and the Examiner's comments considered. The drawings have been amended, support for which can be found, for example, in paragraphs [0011], [0019], and throughout the specification and claims as originally filed. The specification has been amended to reflect the amendments to the drawings. Claims 1-22 are pending in this application. Claims 1 and 3 have been amended and claims 2 and 4 have been canceled. Claims 11-22 have been added. Support for the amendments and new claims can be found, for example, in paragraphs [0019] through [0027] in the application as originally filed. Applicants submit that no new matter or issues have been introduced.

Claim Objections

Claims 2, 3, and 4 stand objected for certain informalities. Claims 2 and 4 have been canceled and claims 1 and 3 have been amended to address the informalities. Thus, Applicants respectfully request withdrawal of the objections.

Claim Rejections - 35 U.S.C. § 102

Claims 1-5 and 8-9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by USPN 5,785,694 to Cohen et al. Claims 1 and 7-10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by USPN 5,895,376 to Schwartz et al. Applicants respectfully traverse these rejections.

Amended claim 1 recites, *inter alia*, "a catheter tube and a compression sleeve, said catheter tube comprising a first lumen separated from a second lumen by a septum, the catheter tube having a necked portion formed along a proximal section, said compression sleeve being positioned around said necked portion to bias the first lumen and second lumen in a closed position."

Cohen et al. is directed to a urinary catheter including a single lumen compressible urine tube and an inflation lumen in communication with a bladder retention balloon and urethra retention balloon (col. 3:21-31). The bladder retention balloon and urethra retention balloon provide

retention of the catheter in the position desired (col. 3:50-67). A valve mechanism is positioned around the catheter to restrict flow through the urine tube (col. 3:26-34). As seen in FIGS. 7-8, the valve mechanism is designed to collapse the tube 58 without affecting the inflation lumen 86 (col. 5:20-35). With respect to claim 1, Cohen et al. fails to show or describe at least a necked portion formed along a proximal section of the catheter tube and a compression sleeve being positioned around the necked portion to bias the first lumen and second lumen in a closed position.

With respect to the necked portion, the Examiner's reference in the office action to a necked portion in FIG. 3 of Cohen et al. is not a necked portion formed in the tube, as claimed, but rather is a picture of a tube 58 being pinched by a compression member 62. With respect to a compression sleeve to bias the first lumen and second lumen in a closed position, Cohen et al. does not show or describe any such feature. First, the recitation of a second lumen being biased in a closed position by a compression sleeve is completely missing from the disclosure. Second, the Examiner cites as support for the second lumen inflation fluid passage 86 (p. 4 of the office action); however, the closure of this fluid passage through pinching (which, again, is not shown or described) could potentially cause the bladder retention balloon and urethra balloon to deflate, which would render the invention unsuitable for its intended purpose, i.e., a catheter that can be reliably positioned with respect to the bladder and urethra (col. 1:41-43).

Therefore, in view of the above, Applicants respectfully submit that Cohen et al. does not anticipate claim 1 and is patentable in view thereof. Claims 2-5 and 8-9 are also patentable in view of Cohen et al. because these claims depend from claim 1, and also recite other features not shown or described in the relied-upon prior art. In addition, new claims 11-22 include at least the features not shown or described by Cohen et al. and are therefore patentable in view thereof.

Schwartz et al. is directed to a hemostasis valve similar to a common Touhy-Bourst valve. Referring to FIG. 1, a valve body 12 includes a lumen 20 through which an operating device 19 is received. In a portion of the lumen is a collapsible membrane 22 which seals around the operating device 19. The sealing is assisted by fluid pressure from chamber 30 surrounding lumen 20 (col. 3:12-29). The Examiner states in the office action that the collapsible membrane is support

for the claimed recitation of a catheter tube, while the chamber 30 is support for the compression sleeve. The Examiner also purports to find a necked portion, although there is no particular cite to such a feature (the Examiner refers Applicants to Figs. 1 and 2, but fails to point out what feature is being used for support). Applicants differ with the Examiner at least with respect to the finding of support for a compression sleeve or a necked portion in Schwartz et al. In any case, it is clear that Schwartz et al. does not disclose a second lumen as recited in amended claim 1.

Applicants respectfully submit that Schwartz et al. does not show or describe at least a necked portion formed along a proximal section of the catheter tube and a compression sleeve being positioned around the necked portion to bias the first lumen and second lumen in a closed position. Thus, Schwartz et al. does not anticipate claim 1 or claims 7-10 depending thereon. Moreover, new claims 11-22 include at least the features not shown or described by Schwartz et al. and are therefore patentable in view thereof.

Claim Rejections - 35 U.S.C. § 103

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Cohen et al. Claims 8-10 stand rejected 35 U.S.C. § 103(a) as being unpatentable over Schwartz et al. Applicants respectfully traverse these rejections.

In view of the above, Applicants respectfully submit that neither Cohen et al. nor Schwartz et al., either alone or in combination, show or describe each and every feature of the claims. Moreover, because the rejected claims are dependant on patentable independent claim 1, as discussed above, these claims are also patentable.

Conclusion

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 480062003900. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: January 13, 2006

Respectfully submitted, ,

By 

Todd W. Wight

Registration No.: 45,218

MORRISON & FOERSTER LLP

19900 MacArthur Boulevard

Irvine, California 92612-2445

(949) 251-7189

Attachments



1/2

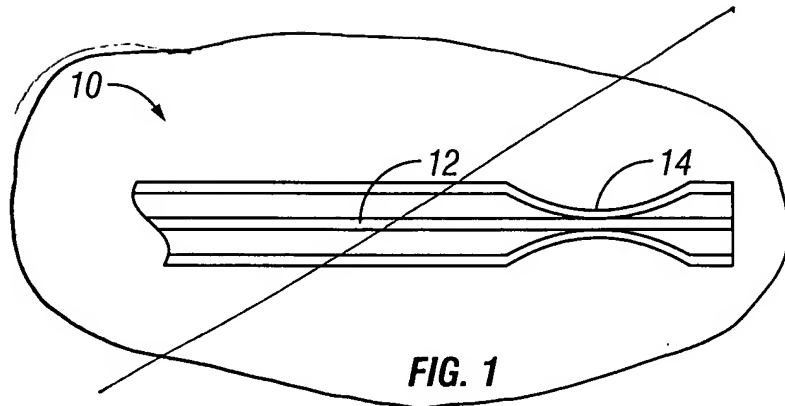


FIG. 1A
FIG. 1B

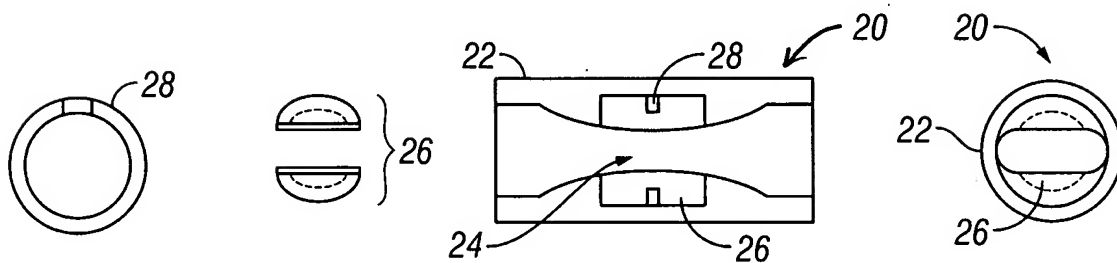


FIG. 2

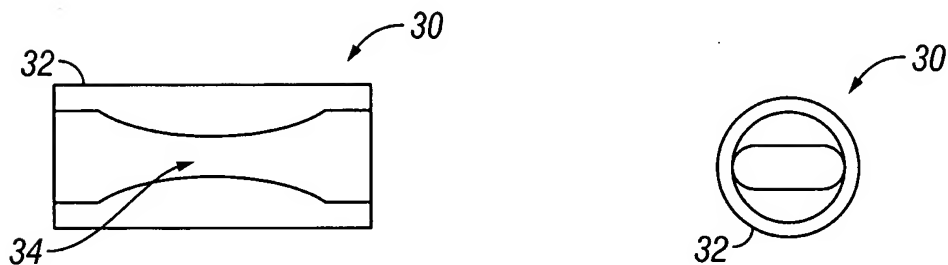


FIG. 3